

\$AR 12834



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group Art: 2834)
Examiner: Karl Tamai)
Applicant: Stephen A. Debelius)
Serial No.: 09/293,455)
Filed: April 16, 1999)
For: **ARMATURE SHAFT RETAINER**)

TRANSMITTAL OF
**APPELLANT'S
REPLY BRIEF
IN RESPONSE TO
EXAMINER'S ANSWER**

AND
**REQUEST FOR
ORAL HEARING**

#13/Reg. for
Oral H.
Hawkins
8/30/01

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Enclosed herewith are the original and two copies of Appellant's Reply Brief and Request for Oral Hearing for the above-identified application.

Please charge Deposit Account No. 02-2548 for the amount of \$270.00, which represents the oral hearing request fee as required by 37 C.F.R. 1.17(g). If for some reason Appellant has inadvertently paid an insufficient fee to prevent the abandonment of this application, please charge said Deposit Account for any further fees which may be due. A duplicate copy of this transmittal is enclosed.

08/23/2001 GTEFFERA 00000061 022548 09293455
01 FC:121 270.00 CH

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

Dated: August 17, 2001
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600

BY: W.R. Duke Taylor
W. R. Duke Taylor
Reg. No. 31306
Attorneys for Applicant

Attorney Docket No. 0275D-000247

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on Aug 17, 2001
By W.R. Duke Taylor

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Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Applicants respectfully request an Oral Hearing and include the
\$270.00 fee as specified under 37 C.F.R. 1.17(g).

REMARKS

This Reply Brief is in response to the Examiner's Answer mailed June 18, 2001.

In the Examiner's Answer, the Examiner has failed to provide any logical nexus as to why one skilled in the art would combine the references as suggested by the Examiner. The Examiner states, in his remarks, that the parts are present in the two references and therefore one with general knowledge would combine the parts.

The Examiner has failed to take into account that the Dafler reference teaches a bearing which has a thrust ring holding the bearing onto the shaft. The thrust ring has a diameter which is larger than the diameter of the bearing at their abutment. Thus, there would be a significant reduction in the bearing in order to provide a recess in the bearing as suggested by the Examiner.

The Wrobel reference cited by the Examiner utilizes a slip ring to hold the bearing onto the shaft. The slip ring must be positioned well down onto the shaft to hold the bearing onto the shaft. Thus, the Examiner has failed to provide the common link as to why one skilled in the art would combine these two references. But for the Examiner's hindsight reconstruction, one skilled in the art would not take the teachings of these two references and come up with Applicant's invention. Thus, the Examiner has failed to provide any motivation as to why one skilled in the art would combine these two references as he has suggested. Further, it is clear to the Applicant that only through hindsight reconstruction could the Examiner apply the two references.

Thus, Applicant respectfully submits that the Examiner has not proved that his combination represents a prima facie case of obviousness as the references cited do not teach the elements of the claimed invention, much less suggest the combination of the references.

Applicant's invention provides the art with an improved armature in a motor in a power tool that is neither suggested nor disclosed by the prior art. Accordingly, reversal of the final rejection of Claims 1-4, 6-11, 13-18, 20 and 21 and allowance of the claims is respectfully requested.

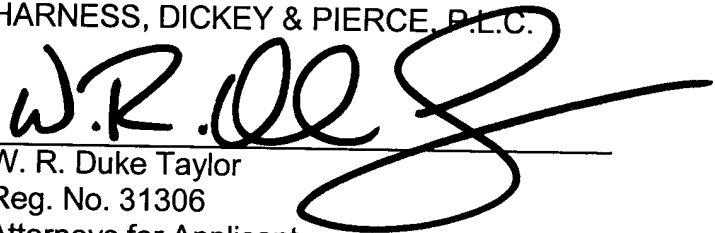
Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

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